BENGAL SECRETARIAT
LIBRARY

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE INDIAN REGISTRATION ACT, 1877,

AS MODIFIED UP TO THE 1ST DECEMBER, 1892.

425

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1892.

[Price Eleven Annas.]

CALCUTTA:
GOVERNMENT OF INDIA CENTRAL PRINTING OFFICE,
8 HASTINGS STREET.

STATEMENT OF REPEALS AND AMENDMENTS.

REPEALED IN PART	XIII of 1889.
AMENDED	XII of 1879, ss. 104 to 107; XIX of 1883, s. 12 (*1*) and (*3*); VII of 1886; VII of 1888, s. 65.
REPEALED IN PART AND AMENDED . . .	XII of 1891.
SUPPLEMENTED	1 of 1880, s. 3; IV of 1882 (see s. 4, as amended by Act III of 1885, s. 3).

The following changes have been made in reprinting the Act:—

(1) repealed matter has been omitted, explanatory notes being inserted:

(2) amendments have been inserted in their proper places, with explanatory foot-notes:

(3) references to repealed Acts have been altered as directed by the enactment which effects the repeal, explanatory foot-notes being inserted:

(4) some further foot-notes have been added for convenience of reference:

(5) the number and year of Acts referred to in the text have been noted in the inner margin, except where both appear in the text:

(6) the headings to the pages have been amplified.

THE INDIAN REGISTRATION ACT, 1877.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of enactments.
3. Interpretation-clause.

PART II.

OF THE REGISTRATION-ESTABLISHMENT.

4. Inspector General of Registration.
   Branch Inspector General of Sindh.
5. Districts and sub-districts.
6. Registrars and Sub-Registrars.
7. Offices of Registrar and Sub-Registrar.
8. Inspectors of Registration-offices.
9. Military cantonments may be declared sub-districts or districts.
10. Absence of Registrar from his district or vacancy in his office.
11. Absence of Registrar on duty in his district.
12. Absence of Sub-Registrar or vacancy in his office.
13. Appointments under section 10, 11 or 12 to be reported to Government.
    Suspension, removal and dismissal of officers.
14. Remuneration and establishments of registering officers.
15. Seals of registering officers.
16. Register-books.
    Forms.
    Fire-proof boxes.

PART III.

PART III.

OF REGISTRABLE DOCUMENTS.

SECTIONS.

17. Documents of which registration is compulsory.
Exception of composition-deeds;
and of transfers of shares and debentures in Land Companies;
documents merely creating right to obtain other documents.
Authorities to adopt.
18. Documents of which registration is optional.
19. Documents in language not understood by registering officer.
20. Documents containing interlineations, blanks, erasures or alterations
21. Description of parcels.
Documents containing maps or plans.
22. Failure to comply with rules as to description of houses and land.

PART IV.

OF THE TIME OF PRESENTATION.

23. Time for presenting documents.
24. Provision where delay in presentation is unavoidable.
25 Documents executed out of British India
26. Provision where office is closed on last day of period for presentation.
27. Wills may be presented or deposited at any time.

PART V.

OF THE PLACE OF REGISTRATION.

28. Place for registering documents relating to land
29. Place for registering other documents.
30. Registration by Registrar
Registration by Registrar at Presidency-town and Lahore.
31. Registration or acceptance for deposit at private residence.

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

32. Persons to present documents for registration.
33. Powers-

SECTIONS.

33. Powers-of-attorney recognizable for purposes of section 32.
Proviso as to persons infirm, or in jail, or exempt from appearing in Court
34. Enquiry before registration by registering officer.
35. Procedure on admission of execution.
Procedure on denial of execution, &c.

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

36. Procedure where appearance of executant or witness is desired.
37. Officer or Court to issue and cause service of summons.
38. Persons exempt from appearance at registration-office.
39. Law as to summonses, commissions and witnesses.

PART VIII.

OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

40. Persons entitled to present wills and authorities to adopt.
41. Registration of wills and authorities to adopt.

PART IX.

OF THE DEPOSIT OF WILLS.

42. Deposit of wills.
43. Procedure on deposit of wills.
44. Withdrawal of sealed cover deposited under section 42.
45. Proceedings on death of depositor.
Re-deposit.
46. Saving of the Indian Succession Act, 1865, section 259.

PART X.

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

47. Time from which registered document operates.
48. Registered documents relating to property when to take effect against oral agreements.
49. Effect of non-registration of documents required to be registered.
50. Registered

SECTIONS.

50. Registered documents relating to land, of which registration is optional, to take effect against unregistered documents.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(A) As to the Register-books and Indexes.

51. Register-books to be kept in the several offices.
52. Endorsements on document presented.
Receipt for document.
Documents admitted to registration to be copied.
53. Entries to be numbered consecutively.
54. Current indexes and entries therein.
55. Indexes to be made by registering officers.
Extra particulars in indexes.
56. Copy of entries in indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar.
Such copy to be filed by Registrar.
57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.

(B) As to the Procedure on admitting to Registration.

58. Particulars to be endorsed on documents admitted to registration.
59. Such endorsements to be dated and signed by registering officer.
60. Certificate showing that document has been registered, and number and page of book in which it has been copied.
61. Endorsements and certificate to be copied.
Document to be returned.
62. Procedure on presenting document in language unknown to registering officer.
63. Power to administer oaths.
Record of substance of statements.

(C) Special Duties of Sub-Registrar.

64. Procedure on registration of document relating to land situate in several sub-districts.
65. Procedure where document relates to land situate in several districts.

(D) Special Duties of Registrar.

66. Procedure on registering documents relating to land.
67. Procedure on registration under section 30, clause (*b*).

(E) Of

(*E*) *Of the controlling Powers of Registrars and Inspectors General.*

SECTIONS.

68. Registrar to superintend and control Sub-Registrars.
69. Inspector General to superintend registration-offices.
His power to make rules.
70. His power to remit fines.

PART XII.

OF REFUSAL TO REGISTER.

71. Reasons for refusal to register to be recorded.
72 Power to reverse or alter orders of Sub-Registrar refusing registration on ground other than denial of execution.
73. Application where Sub-Registrar refuses to register on ground of denial of execution.
74. Procedure of Registrar on such application.
75 Order to register and procedure thereon.
76 Refusal by Registrar.
77. Suit in case of refusal.

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

78. Fees to be fixed by Local Government.
Alteration of fees.
79. Publication of fees.
80. Fees payable on presentation.

PART XIV.

OF PENALTIES.

81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.
82. Penalty for certain other offences.
Making false statements before registering officer.
Delivering false copy or translation.
False personation.
Abetment of offences under this Act.
83. Registering officer may commence prosecutions.
84. Registering officers to be deemed public servants.

PART XV.

PART XV.

MISCELLANEOUS.

SECTIONS.

85. Destruction of unclaimed documents.
86. Registering officer not liable for thing *bonâ fide* done or refused in his official capacity.
87. Nothing so done invalidated by defect in appointment or procedure.
88. Registration of documents executed by Government officers or certain public functionaries.
89. Orders under Land Improvement Loans Act, 1883.

Exemptions from Act.

90. Exemption of certain documents executed by or in favour of Government.
91. Inspection and copies of such documents.
92. Burmese registration-rules confirmed.

BENGAL SECRETARIAT LIBRARY

ACT No. III OF 1877.[a]

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the Governor General's assent on the 14th February, 1877.)

An Act for the Registration of Documents.

[As modified up to the 1st December, 1892.]

WHEREAS it is expedient to amend the law relating to the registration of documents; It is hereby enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act may be called the Indian Registration Act, 1877: Short title.

It extends to the whole of British India, [b] except such districts or tracts of country as the Local Government Local extent.

[a] Sections 54 (paragraphs 2 and 3), 59, 107 and 123 of the Transfer of Property Act (IV of 1882) are to be read as supplemental to Act III of 1877—see Act IV of 1882, s. 4, as amended by Act III of 1885, s. 3.

[b] Act III of 1877 has been declared in force in the Sonthal Pergunnahs by Regulation III of 1872, s. 3, as amended by Regulation III of 1886 [Bengal Code, Vol. I, Ed. 1889, p. 597], and in British Baluchistan by Regulation I of 1890, s 3 [Baluchistan Code, Ed. 1890, p. 69].

It has been declared, under the Scheduled Districts Act, 1874, to be in force in the following Scheduled Districts, namely, the Districts of Hazaribagh, Lohardugga and Manbhoom, and Pergunnah Dhalbhoom and the Kolhan in the District of Singbhoom [see Gazette of India, 1881, Pt I, p. 504].

It has been extended, under the same Act, to that part of the Khasi and Jaintia Hills District which is comprised within the limits of the Civil Station and Cantonment of Shillong [see Gazette of India, 1878, Pt. I, p. 662], and to the Mahal of Angul [see Gazette of India, 1887, Pt. I, p. 97].

It has been declared, under the same Act, to be not actually in force in the other parts of the Khasi and Jaintia Hills District, in the Garo Hills or in the Naga Hills District [see Gazette of India, 1878, Pt I, p. 662].

It has ceased to be in force in the Dibrugarh Frontier Tract and the Mikir Hills Tract [see Assam Gazette, 1884, Pt. II, pp. 212 and 705, respectively].

In Upper Burma there is a special law as to registration—see Regulation I of 1887, in Burma Code, Ed. 1889, p 413.

Government may from time to time, with the previous sanction of the Governor General in Council, exclude[a] from its operation;

Commencement.

And it shall come into force on the first day of April, 1877.

[b] The Local Government may, with the previous sanction of the Governor General in Council, cancel any order excluding districts or tracts of country from the operation of this Act.

Repeal of enactments.

2. On and from that day Act No. VIII of 1871 shall be repealed.

But all appointments, notifications, rules and orders made, and all districts and sub-districts formed, and all offices established, and all tables of fees prepared, under such Act or any of the enactments thereby repealed shall be deemed to have been respectively made, formed, established and prepared under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of April, 1877, to the said Act, or to any enactment thereby repealed, shall be read as if made to the corresponding section of this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease:

"signature" and "signed" include and apply to the affixing of a mark:

"immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries

---

[a] In exercise of this power the following districts have been excluded from the operation of the Act, namely:—
the Scheduled Districts of the Madras Presidency [see Fort St. George Gazette, 1881, Pt. I, p. 516], and
the Arakan Hill Tracts District [see Burma Gazette, 1886, Pt. I, p. 247].

[b] This paragraph was added by Act XII of 1891.

fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass:

"moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property:

"book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book:

"endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act:

"minor" means a person who, according to the personal law to which he is subject, has not attained majority:

"representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot:

"addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name:

"District Court" includes the High Court in its ordinary original civil jurisdiction; and

"district" and "sub-district" respectively mean a district and sub-district formed under this Act.

PART II.

Of the Registration-establishment.

Inspector General of Registration.

4. The Local Government shall appoint an officer to

to be the Inspector General of Registration for the territories subject to such Government,

or may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the Local Government from time to time appoints in this behalf.

Branch Inspector General of Sindh.

The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh, who shall have all the powers of an Inspector General under this Act other than the power to frame rules hereinafter conferred.

Any Inspector General or the Branch Inspector General of Sindh may hold simultaneously any other office under Government.

Districts and sub-districts.

5. For the purposes of this Act, the Local Government shall form districts and sub-districts, and shall prescribe, and may from time to time alter, the limits of such districts and sub-districts.

The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

Registrars and Sub-Registrars.

6. The Local Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

Offices of Registrar and Sub-Registrar.

7. The Local Government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar, or the offices of the

the Joint Sub-Registrars, and may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar,

and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

Inspectors of Registration-offices.

8. The Local Government may also appoint officers to be called Inspectors of Registration-offices, and may from time to time prescribe the duties of such officers. Every such Inspector shall be subordinate to the Inspector General.

Military cantonments may be declared sub-districts or districts.

9. Every military cantonment where there is a Cantonment Magistrate may (if the Local Government so directs) be, for the purposes of this Act, a sub-district or a district, and such Magistrate shall be the Sub-Registrar or the Registrar of such sub-district or district, as the case may be [*]

Absence of Registrar from his district or vacancy in his office.

10. Whenever any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant,

any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate,

shall be the Registrar during such absence or until the Local Government fills up the vacancy.

Whenever the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant,

any

[*] Portion repealed by Act XIII of 1886 is omitted.

any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

Absence of Registrar on duty in his district.

11. Whenever any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar, except those mentioned in sections 68 and 72.

Absence of Sub-Registrar or vacancy in his office.

12. Whenever any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

Appointments under section 10, 11 or 12 to be reported to Government.

13. All appointments made under section 10, section 11 or section 12 shall be reported to the Local Government by the Inspector General. Such report shall be either special or general, as the Local Government directs.

Suspension, removal and dismissal of officers.

The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Remuneration and establishments of registering officers.

14. Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government from time to time deems proper to the registering officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

The Local Government may allow proper establishments for the several offices under this Act.

Seals of registering officers.

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of the Registrar (*or* of the Sub-Registrar) of "

Register-books.

16. The Local Government shall provide for the office

office of every registering officer the books necessary for the purposes of this Act.

Forms.

The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Fire-proof boxes.

The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

PART III.

Of Registrable Documents.

Documents of which registration is compulsory.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864[a], or Act No. XX of 1866[b], or Act No. VIII of 1871[c], or this Act, came or comes into force (that is to say),—

(*a*) instruments of gift of immoveable property:

(*b*) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property:

(*c*) non-testamentary instruments which acknowledge the receipt or payment of any consideration

[a] Act XVI of 1864 was repealed by Act XX of 1866.
[b] Act XX of 1866 was repealed by Act VIII of 1871.
[c] Act VIII of 1871 was repealed by s. 2 of this Act.

eration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

(*d*) leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent:

Provided that the Local Government may, by order published in the official Gazette, exempt from the operation of the former part of this section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

Exception of

Nothing in clauses (*b*) and (*c*) of this section applies to—

composition-deeds;

(*e*) any composition-deed;

and of transfers of shares and debentures in Land Companies;

(*f*) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, or

[*](*ff*) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or

(*g*) any endorsement upon or transfer of any debenture issued by any such Company;

documents merely creating right to obtain other documents.

(*h*) any document not itself creating, declaring, assigning, limiting or extinguishing any right,

[*] Cl. (*ff*) was inserted by Act VII of 1886, s. 2, printed, General Acts, 1885-88, Ed. 1889, p. 62.

right, title or interest of the value of one hundred rupees and upwards to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest;

(*i*) decrees and orders of Courts and awards;

(*j*) grants of immoveable property by Government;

(*k*) instruments of partition made by Revenue-officers;

[a](*l*) orders granting loans and instruments of collateral security granted under the Land Improvement Loans Act, 1883; XIX of 1883.

[b](*m*) orders granting loans under the Agriculturists' Loans Act, 1884[c], and instruments for securing the repayment of loans made under that Act; XII of 1884.

[d](*n*) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage;

[e](*o*) a certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue-officer.

Authorities to adopt a son, executed after the first day Authorities to adopt.

---

[a] Cl. (*l*) is printed as amended by Act XIX of 1883, ss. 2 and 12, (printed, General Acts, 1882-84 Pt II, Ed. 1885, p. 347)

[b] Cl. (*m*) was added by Act VII of 1886, s. 3 (*1*) printed, General Acts, 1885-88, Ed. 1889, p. 62.

[c] Printed, General Acts, 1882—84, Pt. II Ed. 1885. p. 433

[d] Cl. (*n*) was added by Act VII of 1886, s. 4 printed, General Acts, 1885-88, Ed. 1889 p. 62

[e] Cl. (*o*) was added by Act VII of 888, s. 65 (*1*), and is to be construed as if it had been inserted by Act XII of 1879—see Act VII of 1888, s. 65 (*3*), in General Acts, 1885-88, Ed. 1889, p. 239.

day of January, 1872, and not conferred by a will, shall also be registered[a].

Documents of which registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—

(*a*) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property:

(*b*) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest:

(*c*) leases of immoveable property for any term not exceeding one year, and leases exempted under section 17:

(*d*) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property:

(*e*) wills:

(*f*) all other documents not required by section 17 to be registered.

Documents in language not understood by registering officer.

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

20. The

[a] Also memoranda appointing new trustees under the Religious Societies Act—see Act I of 1880, s. 3, in General Acts, 1877-81, Ed. 1884, p. 365.

Documents containing interlineations, blanks, erasures or alterations.

20. The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If he register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

Description of parcels.

21. (*a*) No non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(*b*) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents containing maps or plans.

(*c*) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

Failure to comply with rules as to description of houses and land.

22. Failure to comply with the provisions contained in section 21, clause (*b*), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

PART IV.

PART IV.

OF THE TIME OF PRESENTATION.

Time for presenting documents.

23. Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution,

or, in the case of a copy of a decree or order, within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final:

Provided that, where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

Provision where delay in presentation is unavoidable.

24. If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Documents executed out of British India.

25. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied—

(*a*) that the instrument was so executed, and

(*b*) that

(*b*) that it has been presented for registration within four months after its arrival in British India,

may, on payment of the proper registration-fee, accept such document for registration.

Provision where office is closed on last day of period for presentation.

26. Whenever a registration-office is closed on the last day of any period provided in this Act for the presentation of any document, such last day shall, for the purposes of this Act, be deemed to be the day on which the office re-opens.

Wills may be presented or deposited at any time.

27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V.

Of the Place of Registration.

Place for registering documents relating to land.

28. Save as in this Part otherwise provided, every document mentioned in section 17, clauses (*a*), (*b*), (*c*) and (*d*), and section 18, clauses (*a*), (*b*) and (*c*), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

Place for registering other documents.

29. Every document other than a document referred to in section 28, and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immoveable property,

property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

Registration by Registrar.

30. (*a*) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

Registration by Registrar at Presidency-town and Lahore.

(*b*) The Registrar of a district including a Presidency-town and the Registrar of the Lahore district may receive and register any document referred to in section 28 without regard to the situation in any part of British India of the property to which the document relates.

Registration or acceptance for deposit at private residence.

31. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit.

But such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

Persons to present documents for registration.

32. Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,

by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order,

or by the representative or assign of such person,

or

or by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

Powers-of-attorney recognizable for purposes of section 32.

33. For the purposes of section 32, the powers-of-attorney next hereinafter mentioned shall alone be recognized (that is to say)—

(*a*) if the principal at the time of executing the power-of-attorney resides in any part of British India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides:

(*b*) if the principal at the time aforesaid resides in any other part of British India, a power-of-attorney executed before and authenticated by any Magistrate:

(*c*) if the principal at the time aforesaid does not reside in British India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India:

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (*a*) and (*b*) of this section:—

persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

persons who are in jail under civil or criminal process; and

persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Magistrate (as the case may be), if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Any power-of-attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

Enquiry before registration by registering officer.

34. Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee, in addition to the fine, if any, payable under section 24, the document may be registered.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon—

(*a*) enquire whether or not such document was executed

executed by the persons by whom it purports to have been executed,

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and

(*c*) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

Any application for a direction under the proviso in this section may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Nothing in this section applies to copies of decrees or orders.

Procedure on admission of execution.

35. If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document;

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution;

or, if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

Procedure on denial of execution, &c.

If any of the persons by whom the document purports to be executed deny its execution, or

if

if any such person appears [a]to the registering officer[a] to be a minor, an idiot, or a lunatic, or

if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document [b]as to the person so denying, appearing or dead[b]: Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII of this Act.

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

Procedure where appearance of executant or witness is desired.

36. If any person presenting any document for registration, or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Local Government from time to time directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

Officer or Court to issue and cause service of summons.

37. The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

Persons exempt from appearance at registration-office.

38. A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office,

a person in jail under civil or criminal process,

and

[a-a, b-b] These words were inserted by Act XII of 1879, s. 104, printed, General Acts, 1877-81, Ed. 1884, p 338.

and persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Law as to summonses, commissions and witnesses.

39. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued, and any person summoned to appear under the provisions of this Act.

PART VIII.

Of Presenting Wills and Authorities to Adopt.

Persons entitled to present wills and authorities to adopt.

40. The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration,

and the donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

Registration of wills and authorities to adopt.

41. A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

(*a*) that the will or authority was executed by the testator or donor, as the case may be;

(*b*) that

(*b*) that the testator or donor is dead; and

(*c*) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART IX.

OF THE DEPOSIT OF WILLS.

Deposit of wills.

42. Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

Procedure on deposit of wills.

43. On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

The Registrar shall then place and retain the sealed cover in his fire-proof box.

Withdrawal of sealed cover deposited under section 42.

44. If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

Proceedings on death of depositor.

45. If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and, if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open

open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

When such copy has been made, the Registrar shall re-deposit the original will. Re-deposit.

46. Nothing hereinbefore contained shall affect the provisions of the Indian Succession Act, [a] section 259, or the power of any Court by order to compel the production of any will. But, whenever any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid. Saving of the Indian Succession Act, 1865, section 259.

X of 1865.

PART X.

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration. Time from which registered document operates.

48. All non-testamentary documents duly registered under this Act, and relating to any property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession. Registered documents relating to property when to take effect against oral agreements.

49. No document required by section 17 to be registered— Effect of non-registration of documents required to be registered.

shall

---

[a] For Act X of 1865 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

shall affect any immoveable property comprised therein,

or confer any power to adopt,

or be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered in accordance with the provisions of this Act.

Registered documents relating to land, of which registration is optional, to take effect against unregistered documents.

50. Every document of the kinds mentioned in clauses (*a*), (*b*), (*c*) and (*d*) of section 17, and clauses (*a*) and (*b*) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

[a] Nothing in the former part of this section applies to leases exempted under the proviso in section 17, or to the documents mentioned in clauses (*e*), (*f*), (*ff*), (*g*), (*h*), (*i*), (*j*), (*k*), (*l*), (*m*), (*n*) and (*o*) of the same section.

Explanation.—In cases where Act No. XVI of 1864[b] or Act No. XX of 1866[c] was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under Act No. VIII of 1871[d] or this Act.

PART XI.

---

[a] This paragraph is printed as amended by Act VII of 1886, s. 5 (printed, General Acts, 1885-88, Ed. 1889, p. 63), and Act VII of 1888, s. 65 (*2*) (*ib.*, p. 239). The paragraph is to be construed as if the letter (*o*) had been inserted by Act XII of 1879—see Act VII of 1888, s. 65 (*3*) (*ib.*, p. 239).

[b] Act XVI of 1864 was repealed by Act XX of 1866.

[c] Act XX of 1866 was repealed by Act VIII of 1871.

[d] Act VIII of 1871 was repealed by s. 2 of this Act.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(*A*) *As to the Register-books and Indexes.*

Register-books to be kept in the several offices.

51. The following books shall be kept in the several offices hereinafter named (that is to say):—

In all registration-offices—

Book 1, "Register of non-testamentary documents relating to immoveable property;"

Book 2, "Record of reasons for refusal to register,"

Book 3, "Register of wills and authorities to adopt;" and

Book 4, "Miscellaneous Register."

In the offices of Registrars—

Book 5, "Register of deposits of wills."

In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89[a] which relate to immoveable property, and are not wills.

In Book 4 shall be entered all documents registered under clauses (*d*) and (*f*) of section 18 which do not relate to immoveable property.

Nothing in the former part of this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

Endorsements on document presented.

Receipt for document.

52. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it: a receipt for such document shall be given by the registering officer to the

[a] The figures 89 were substituted for the original figures by Act XII of 1879, s. 105, printed, General Acts, 1877-81, Ed. 1884, p. 338.

Documents admitted to registration to be copied.

the person presenting the same; and, subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

And all such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

Entries to be numbered consecutively.

53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Current indexes and entries therein.

54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

Indexes to be made by registering officers.

55. Four such indexes shall be made in all registration-offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. I.

Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

Index No III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

Index

Index No IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

Indexes Nos. I, II, III and IV shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs. Extra particulars in Indexes.

56. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar, during the last of such intervals, in Indexes Nos. I, II and III. Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar.

Every Registrar receiving such copy shall file it in his office. Such copy to be filed by Registrar.

57. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies. Registering officers to allow inspection of certain Books and Indexes, and to give certified copies of entries.

Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative. The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible

missible for the purpose of proving the contents of the original documents.

(*B*) *As to the procedure on admitting to Registration.*

Particulars to be endorsed on documents admitted to registration.

58. On every document admitted to registration, other than a copy of a decree or order, [a]or a copy sent to a registering officer under section 89,[a] there shall be endorsed from time time the following particulars (that is to say) :—

(*a*) the signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign, or agent of any person, the signature and addition of such representative, assign or agent;

(*b*) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(*c*) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

Such endorsements to be dated and signed by registering officer.

59. The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

Certificate showing that

60. After such of the provisions of sections 34, 35,

[a-a] These words were substituted for the original words and figures by Act VII of 1886, s. 3 (2), printed, General Acts, 1885-88, Ed., 1889, p. 62.

35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied.

document has been registered, and number and page of book in which it has been copied.

Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

61. The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

Endorsements and certificate to be copied.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

Document to be returned.

62. When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration-office.

Procedure on presenting document in language unknown to registering officer.

The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

63. Every registering officer may at his discretion administer

Power to administer

minister oaths.

administer an oath to any person examined by him under the provisions of this Act.

Record of substance of statements.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(*C*) *Special Duties of Sub-Registrar.*

Procedure on registration of document relating to land situate in several sub-districts.

64. Every Sub-Registrar on registering a non-testamentary document relating to immoveable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

Procedure where document relates to land situate in several districts.

65. Every Sub-Registrar on registering a non-testamentary document relating to immoveable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars

Registrars subordinate to him within whose sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(*D*) *Special Duties of Registrar.*

Procedure on registering documents relating to land.

66. On registering any non-testamentary document relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

He shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

Procedure on registration under section 30, clause (*b*).

67. On any document being registered under section 30, clause (*b*), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in the first clause of section 66.

(*E*) *Of the controlling Powers of Registrars and Inspectors General.*

Registrar to superintend and control Sub-Registrars.

68. Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

Every

(Part XI.—Of the Duties and Powers of Registering Officers.—Section 69.)

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the book or the office in which any document shall have been registered.

Inspector General to superintend registration-offices. His power to make rules.

69. The Inspector General shall exercise a general superintendence over all the registration-offices in the territories under the Local Government, and shall have power from time to time to make rules consistent with this Act—

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

declaring what languages shall be deemed to be commonly used in each district;

declaring what territorial divisions shall be recognized under section 21;

regulating the amount of fines imposed under sections 24 and 34, respectively;

regulating the exercise of the discretion reposed in the registering officer by section 63;

regulating the form in which registering officers are to make memoranda of documents;

regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;

declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;

declaring the holidays that shall be observed in the registration-offices;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars.

The

(*Part XI.—Of the Duties and Powers of Registering Officers.—Section 70. Part XII.—Of Refusal to Register.—Sections 71-72.*)

The rules so made shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official Gazette and shall then have the same force as if they were inserted in this Act.

His power to remit fines.

70. The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 24 or section 34, and the amount of the proper registration-fee.

PART XII.

Of Refusal to Register.

Reasons for refusal to register to be recorded.

71. Every Sub-Registrar refusing to register a document,

except on the ground that the property to which it relates is not situate within his sub-district,

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

Power to reverse or alter orders of Sub-Registrar refusing registration on ground other than denial of execution.

72. Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if

if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order:

and, if the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

Application where Sub-Registrar refuses to register on ground of denial of execution.

73. When a Sub Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution,

any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

Procedure of Registrar on such application.

74. In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, he shall, as soon as conveniently may be, enquire—

(*a*) whether the document has been executed;

(*b*) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the

case

case may be, so as to entitle the document to registration.

Order to register and procedure thereon.

75. If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

And, if the document be duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. [*]

XIV of 1882.

Refusal by Registrar.

76. Every Registrar refusing—

(*a*) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(*b*) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application

[*] This reference to Act VIII of 1859 should now be read as applying to Act XIV of 1882—see s 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department).

application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

No appeal lies from any order under this section or section 72.

Suit in case of refusal.

77. Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree; and the provisions contained in the second and third paragraphs of section 75 shall, *mutatis mutandis*, apply to all documents so presented, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

Fees to be fixed by Local Government.

78. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

for the registration of documents:

for searching the registers:

for making or granting copies of reasons, entries or documents, before, on or after registration:

and of extra or additional fees payable—

for every registration under section 30:

for

for the issue of commissions:

for filing translations:

for attending at private residences:

for the safe custody and return of documents:

and for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

Alteration of fees.

The Local Government may from time to time, subject to the like approval, alter such table.

Publication of fees.

79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration-office.

Fees payable on presentation.

80. All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

PART XIV.

Of Penalties.

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

81. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code,[*] to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

XLV of 1860.

82. Whoever

---

[*] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

Penalty for certain other offences.

82. Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both:

Making false statements before registering officer.

(*a*) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act;

Delivering false copy or translation.

(*b*) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan;

False personation.

(*c*) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act;

Abetment of offences under this Act.

(*d*) abets, within the meaning of the Indian Penal Code,[a] anything made punishable by this Act. XLV of

Registering officer may commence prosecutions.

83. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a [b]Magistrate of the second[b] class:

Provided that, in imposing penalties under this Act, no such Court or officer shall exceed the limits of

---

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b-b] These words were substituted for the original words by Act XII of 1879, s. 106, printed, General Acts, 1877-81, Ed. 1884, p. 338.

of jurisdiction prescribed by the law for the time being in force as to such Court or officer.

All fines imposed under this Act may be recovered [a]in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.[a]

Registering officers to be deemed public servants.

84. Every registering officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.[b]

XLV of 1860.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And, in section 228 of the same Code, the words "judicial proceeding" shall include any proceeding under this Act.[c]

PART XV.

MISCELLANEOUS.

Destruction of unclaimed documents.

85. Documents (other than wills) remaining unclaimed in any registration-office for a period exceeding two years may be destroyed.

Registering officer not liable for thing *bonâ fide* done or refused in his official capacity.

86. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing so done invalidated by defect in appointment or procedure.

87. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

88. Notwithstanding

[a-a] These words were substituted for the original words by Act XII of 1891.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[c] Portion repealed by Act XII of 1891 is omitted. When the Local Government so directs, a Registrar or Sub-Registrar is to be deemed to be a Civil Court within the meaning of the Code of Criminal Procedure, 1882, sections 480 and 482—see *ib.*, s. 483.

Registration of documents executed by Government officers or certain public functionaries.

88. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or Official Assignee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration-office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

But, when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Orders under Land Improvement Loans Act, 1883.

89. [a] Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order[a] to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file [b]the copy[b] in his Book No. 1. XIX of 1883.

[c] Every Court granting a certificate under section 316 of the Code of Civil Procedure [d] shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immoveable property comprised in such XIV of 1882.

[a-a] This clause is printed as amended by Act XIX of 1883, ss. 2 and 12 (printed, General Acts, 1882-84, Pt. II, Ed. 1885, p. 347).

[b-b] These words were substituted for the original words by Act XII of 1879, s. 107, printed, General Acts, 1877-81, Ed. 1884, p. 338.

[c] This paragraph was added by Act XII of 1879, s. 107, printed, General Acts, 1877-81, Ed. 1884, p. 338.

[d] This reference to s. 316 of Act X of 1877 should now be read as applying to s. 316 of Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

such certificate is situate, and such officer shall file the copy in his Book No. 1.

[a] Every officer granting a loan under the Agri-
XII of 1884. culturists' Loans Act, 1884, [b] shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.

[c] Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

Exemptions from Act.

Exemption of certain documents executed by or in favour of Government.

90. Nothing contained in this Act or in Act No. VIII of 1871 [d] or in any Act thereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps:—

(*a*) Documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement;

(*b*) Documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey

[a] This paragraph was added by Act VII of 1886, s. 3 (*3*), printed, General Acts, 1885-88, Ed. 1889, p. 62.

[b] Printed, General Acts, 1882-84, Pt. II, Ed. 1885, p. 433.

[c] This paragraph was inserted by Act XII of 1891.

[d] Act VIII of 1871 was repealed by s. 2 of this Act.

survey of any land, and which form part of the record of such survey;

(*c*) Documents which, under any law for the time being in force, [a]are filed [a] periodically in any revenue-office by patwaris or other officers charged with the preparation of village-records;

(*d*) Sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land;

[b] (*e*) Notices given under section 74 or section 76 of the Bombay Land-revenue Code, 1879, [c] of relinquishment of occupancy by occupants, or of alienated land by holders of such land. Bom. V of 1879.

But all such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection and copies of such documents.

91. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and[d] maps mentioned in section 90, clauses (*a*), (*b*), (*c*), and (*e*),[d] and all registers of the documents mentioned in clause (*d*), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

92. All

[a-c] These words were substituted for the original words by Act XII of 1891.

[b] Cl. (*e*) was inserted by Act VII of 1886, s. 6 (*1*), in General Acts, 1885-88, Ed. 1889, p. 63. The Act of 1877 is to be construed as if clause (*e*) had been inserted in section 90 at the time the Act came into force—see Act VII of 1886, s. 6 (*3*).

[c] Printed, Bombay Code, Ed. 1880, p. 620.

[d-d] These letters, etc, were substituted for the original word and letter by Act VII of 1886, s. 6 (*2*), in General Acts, 1885-88, Ed. 1889, p. 63. The Act of 1877 is to be construed as if this amendment had been made at the time the Act came into force—see Act VII of 1886, s. 6 (*3*).